

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JAMES GILLIAM, Individually And On)
Behalf Of All Others Similarly Situated,)
)
Plaintiff,)
)
v.)
)
FIDELITY MANAGEMENT &)
RESEARCH COMPANY et al.,)
)
Defendants.)

CIVIL ACTION
NO. 04-cv-11600-NG

BOGATIN FAMILY TRUST, Individually)
And On Behalf Of All Others Similarly)
Situated,)
)
Plaintiff,)
)
v.)
)
FIDELITY MANAGEMENT &)
RESEARCH COMPANY et al.,)
)
Defendants.)

CIVIL ACTION
NO. 04-cv-11642-NG

**THE BENNETT PLAINTIFFS' ASSENTED-TO MOTION
TO EXTEND TIME FOR FILING RESPONSE TO THE
FIDELITY DEFENDANTS' MOTION FOR CONSOLIDATION
AND SEVERANCE OF CLAIMS**

Plaintiffs Cynthia A. Bennett and Guy A. Miller (the "Bennett Plaintiffs"), plaintiffs in *Bennett v. FMRCo.*, No. 04-cv-11651 (MLW) (the "Bennett Action"), respectfully request that they be allowed additional time in which to respond to the Fidelity Defendants' Motion For Consolidation And Severance Of Claims. Specifically, the Bennett Plaintiffs seek to extend the filing deadline to and including January 12, 2005. The Fidelity Defendants, through their counsel, have assented to this motion for an extension.

In support of this motion, the Bennett Plaintiffs state as follows:

1. The Fidelity Defendants filed their Motion For Consolidation And Severance Of Claims in the above matters on December 22, 2004.

2. The Fidelity Defendants seek to consolidate the above-captioned cases with three other cases, *Awali v. FMRCo.*, No. 04-11709 (MLW), *Fallert v. FMRCo.*, No. 04-cv-11812 (MLW), and *Groeschel v. FMRCo.*, No. 04-11735 (GAO), and possibly to sever certain claims from these five actions for transfer to Judge Wolf, before whom the Bennett Action is pending.

3. The Bennett Plaintiffs require additional time in order to adequately respond to the issues raised in the Fidelity Defendants' Motion For Consolidation And Severance Of Claims.

4. The requested extension of time causes no prejudice to the Fidelity Defendants, nor will it affect any other deadlines in this matter.

Local Rule 7.1 Certification

5. Counsel for the Bennett Plaintiffs hereby certify that they have conferred with counsel for the Fidelity Defendants, and they assent to the relief requested herein.

WHEREFORE, the Bennett Plaintiffs respectfully request that the deadline for filing a response to the Fidelity Defendants' Motion for Consolidation And Severance Of Claims be extended to and including January 12, 2005.

Respectfully submitted,

CYNTHIA A. BENNETT and
GUY E. MILLER,

By their attorneys,

s/Matthew J. Tuttle

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Dated: January 5, 2005